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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 MICHAEL DOUGLAS LEONARD et al.,)

9 Plaintiffs,)

10 vs.)

11 TAMAZ NASR,)

12 Defendant.)

3:14-cv-00233-RCJ-WGC

13 **ORDER**

14 This case arises out of a collision between a car and a bicycle. Pending before the Court
15 is a Motion for Default Judgment (ECF No. 5). Obtaining default judgment is a two-step process
16 under Rule 55. *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). First, the party seeking a
17 default judgment must petition the Clerk to enter default. Fed. R. Civ. P. 55(a). Second, the party
18 must petition the Clerk or the Court for a default judgment, depending upon whether a sum
19 certain is requested. Fed. R. Civ. P. 55(b)(1)–(2). Here, there is no evidence of default having
20 been entered by the Clerk. Plaintiffs must ask the Clerk to enter default before asking the Court
21 (or the Clerk) for a default judgment.

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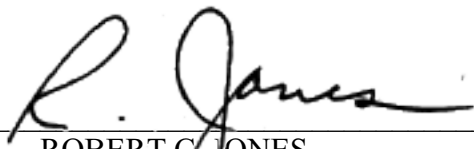
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CONCLUSION

IT IS HEREBY ORDERED that the Motion for Default Judgment (ECF No. 5) is
DENIED.

IT IS SO ORDERED.

Dated this 30th day of December, 2014.



ROBERT C. JONES
United States District Judge